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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,057	01/29/2002	Moon Jae Lee	PO259/US/PS	3671

7590

02/09/2004

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EXAMINER
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DEL SOLE, JOSEPH S

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 02/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/058,057

Applicant(s)

LEE, MOON JAE

Examiner

Joseph S. Del Sole

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,10-17 and 19-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2 and 19-27 is/are allowed.
- 6) ☒ Claim(s) 10 and 11 is/are rejected.
- 7) ☒ Claim(s) 12-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

2. The abstract of the disclosure is objected to because **a)** it currently summarizes both the method and the apparatus, however since only the apparatus is claimed the abstract should be amended to reflect this. Correction is required. See MPEP § 608.01(b).

### *Claim Objections*

3. Claims 10 and 13 are objected to because of the following informalities: **a)** claim 10 is awkwardly constructed and should be rewritten (the format/style of claim 19 is

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clear and should be copied when rewriting claim 10), for instance: the phrase "receives synthetic resin installed at an outlet of an extruder so that it is to be fed to the extruder and then extruded in a product" is awkward; the phrase "the die includes a second inlet is formed" is grammatically incorrect; and "to fed a" at line 7 should be changed to -- to feed --; and **b)** the limitation "the plurality of nozzle grooves in fluid communication are in communication" is awkwardly constructed because a plurality of nozzle grooves is not previously claimed in claim 13 or parent claim 11 (perhaps the dependency of claim 13 should be changed to claim 12); also "in fluid communication" should be deleted for clarity. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Grosset et al (5,733,491).

Grosset et al teach an extrusion molding apparatus (Fig 2) having an extruder (Fig 2) and a die with a passage (Fig 2, #82, #38, #36, #40 and #42); the die receives material installed at an outlet of the extruder (Fig 2) so that it is to be fed to the extruder and then extruded in a product having a predetermined section shape of the material passage (Fig 6), the die includes a second inlet (Fig 2, #13) is formed at one side of the die to feed a second material thereto, and the a second inlet is formed to communicate

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with a second passage (Fig 2, #72, #76 and #30) in communication with the material passage of the die so that the second material is coated on a surface of the product extruded from the die; and the second passage of the die is formed around the material passage so that the whole surface of the product is coated (Fig 6, as demonstrated by the product).

### ***Response to Arguments***

6. Applicant's arguments filed 12/19/03 have been fully considered but they are not persuasive.

The Applicant argues that Grosset fails to teach each and every element as set forth in claim 10.

The Examiner disagrees and a proper 35USC102 rejection is stated above that shows that Grosset teaches each and every element of claim 10. The Applicant does not distinctly state what element of claim 10 is not taught and further does not show how a feature of Grosset does not teach a corresponding feature of claim 10 as set forth by the Examiner.

### ***Allowable Subject Matter***

7. Claims 1-2 and 19-27 are allowed.

8. Claims 12-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if the objections to claims 10 and 13 as set forth above are corrected.

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9. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach or suggest **a)** the die, as set forth in claim 1, having a first portion with a groove and a second portion with a corresponding groove to form a passageway and a second inlet in the die in communication with the passageway to feed a second material to a second inlet to form a coated product; **b)** the second passage, as set forth in claim 1, having a plurality of nozzle grooves in communication with the second passage; and **c)** an extrusion apparatus, as set forth in claim 19, having a retainer groove in fluid communication with the inlet portion and formed in the die and a plurality of nozzle grooves in fluid communication with the retainer groove and the first synthetic resin passage.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### **Correspondence**

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Joseph S. Del Sole whose telephone number is (571) 272-1130. The examiner can normally be reached on Monday through Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wanda Walker, can be reached at (571) 272-1151. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for both non-after finals and for after finals.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

*Joseph S Del Sole*

J.S.D.  
January 29, 2004



ROBERT DAVIS  
PRIMARY EXAMINER  
GROUP 1200 1700

*2/2/04*